IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPEALLATE JURISDICTION

SECOND APPEAL NO. 318 OF 2006

Sampatrao Govindrao Patil & Anr. ...Appellants
V/s.
Normahomad Ahamed Shaikh,
since deceased through his legal heirs. ...Respondent

Mr.Kuldeep Patil for the Appellants.
Mr.P.R. Patil instructed by Mr.B.R. Patil for the Respondent.

CORAM : D.B. BHOSALE, J.

DATED : JANAURY 29, 2007

P.C. :-

1. This appeal is directed against the concurrent findings recorded by the Courts below in the suit filed by the respondent/plaintiff for specific performance of an agreement of sale dated 8th July, 1976.

2. Mr.Patil, learned Counsel for the appellants assailed the decree on the ground that the suit transaction is hit by Section 12 of the Maharashtra Resettlement of Project Displaced Persons Act, 1976 (for short "the Act"). It is true that notification under the provisions of the Act was issued and in view thereof, the courts below have passed a conditional decree viz. subject to permission of the Collector to

be obtained by the respondent/plaintiff within three months from the date of the order. Admittedly, the respondent/plaintiff was put in possession of the property at the time of execution of the agreement dated 8th July, 1976 and since then he is in possession of the property. Keeping that in view and considering that there are concurrent findings recorded by the courts below and as I find sufficient material on record to sustain these findings and considering extremely limited jurisdiction of this Court under Section 100 of the Code of Civil Procedure, this appeal deserves to be dismissed and is dismissed as such.

(D.B. BHOSALE, J.)